



PEACE NEGOTIATIONS
POST-CONFLICT CONSTITUTIONS
WAR CRIMES PROSECUTION

HUMAN RIGHTS DOCUMENTATION GUIDE

SPEAKER NOTES

CONFIDENTIALITY

Hello and welcome to PILPG's module on confidentiality. My name is Dr. Margaret deGuzman, and today I will be discussing how to employ this principle throughout a human rights documentation mission. Confidentiality is one of four key principles for conducting an ethical human rights documentation mission. The other 3 principles are:

- Do No Harm;
- Acquiring Informed Consent; and
- Mitigating Retraumatization

Confidentiality is the non-disclosure of information, such as the identity of a person, the nature of their experiences, or the location of an event or residence.

Documenters are required to take all possible measures to protect the information they gather on documentation missions.

Respecting confidentiality is essential to building a trusting relationship with victims and witnesses and their communities.

Failing to respect confidentiality can have adverse consequences for

- For the safety of victims and witnesses
- The safety and credibility of documenters; and
- The local community's trust in the documentation team, which is essential to ensuring access to important information

To respect confidentiality, documenters should:

- Establish measures respecting the confidentiality of all information that may be sensitive, including
 - Information that may disclose the identity of a victim or witness

- Information related to the experiences of a victim or witness
- Information about measures taken to protect victims and witnesses
- Information about referrals to professional assistance
- Ensure that all members of the documentation team understand and agree to follow the established confidentiality measures

It is important to fully and clearly explain to victims and witnesses the conditions and limits of confidentiality. This includes explaining:

- The measures being taken to protect identities or information
- That documenters will seek to protect the confidentiality of information except to the extent that informed consent to disclosure is given.
- The limits to the documenters' ability to ensure confidentiality, including the possibility of a court requiring disclosure.
- That confidentiality may be breached if a risk of suicide or self-harm to the victim or witness or a child-protection issue arises.

Some of the measures that can be taken to ensure confidentiality include:

- Using coded language and passwords to anonymize information
 - For instance, the identities of victims and witnesses can be protected through the use of pseudonyms or codes. For example, a witness might be referred to as W1 in court documents and proceedings.
 - The code with identifying information must be stored separately from the information the victim or witness provided and should be kept in a safe location, such as in a locked safe or a secure digital platform.
- Redacting information from disclosed documents
 - Sensitive or identifying information such as names, addresses, family relations, characteristics, dates of birth, financial account numbers, home addresses, or passport numbers should be removed from documents before disclosure.

In some situations it may be important to use confidential interview locations. This might include:

- Avoiding heavily trafficked or populated areas; and
- Using curtains, blinds, and closing windows to minimize the chance of outsiders hearing or seeing the interview.

This concludes our overview of the principle on confidentiality. Thank you for your attention!